

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	CR04-4025-MWB
	)	
Plaintiff,	)	
	)	
vs.	)	SUPPLEMENTAL BRIEF
	)	IN SUPPORT OF MOTION
RONALD LEE PRESTON RUPP,	)	TO DISMISS
	)	
Defendant.	)	

COMES NOW the Defendant, Ronald Lee Preston Rupp, and responds to the Court's Order of November 10, 2016. In support thereof, Defendants states to the Court as follows:

1. On September 23, 2016, Defendant appeared for a revocation hearing. The Court issued an Order suspending the revocation hearing indefinitely.

2. Rule 32.1(b)(2) states:

Unless waived by the person, the court must hold the revocation hearing within a reasonable time in the district having jurisdiction.

The person is entitled to:

- (A) Written notice of the alleged violation;
- (B) Disclosure of the evidence against the person;
- (C) An opportunity to appear, present evidence, and question any adverse witness unless the court determines that the interest of justice does not require the witness to appear;
- (D) Notice of the person's right to retain counsel or to request that counsel be appointed if the person cannot obtain counsel; and
- (E) An opportunity to make a statement and present any information in mitigation.

The Government decided to continue the detention hearing without prior notice to this Defendant.

3. In any event, this Defendant and the United States Attorney's office have entered into a plea agreement that resolves all prior and current issues. That plea agreement was accepted by the Court today during a plea taking session and resolves the issue of all pending charges.

4. Accordingly, the Court should dismiss the pending Revocation of Supervised Release Petition that is currently on indefinite suspension.

WHEREFORE, Defendant prays the Court dismiss the pending Revocation of Supervised Release Petition.

Dated this 18<sup>th</sup> day of November, 2016.

Respectfully submitted,

RHINEHART LAW, P.C.

By /s/ R. Scott Rhinehart

R. Scott Rhinehart AT0000666

2000 Leech Avenue

Sioux City, IA 51106

Phone: 712-258-8706

Fax: 712-233-3417

[courts@rhinehartlaw.com](mailto:courts@rhinehartlaw.com)

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleading on September 21, 2016.

By: ☐ U.S. Mail ☐ Facsimile  
☐ Hand delivered ☐ Overnight courier  
☒ E-file

Signature /s/ Tara Osterholt